UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

FIFTH COMMITTEE
18th meeting
held on
Thursday, 31 October 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 18th MEETING

Chairman: Mr. MUNTASSER (Libyan Arab Jamahiriya)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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91-56977 5211S (E)

Distr. GENERAL
A/C.5/46/SR.18
15 November 1991
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 10.30 a.m.

AGENDA ITEM 112: JOINT INSPECTION UNIT (continued) (A/46/34, 89 and 219)

1. Mr. KOULYK (Ukraine) said that his delegation was among the small number of those which usually spoke when the report of the Joint Inspection Unit (JIU) was being considered. It noted with dismay a certain lack of interest in JIU's activities, which was perhaps partly due to JIU's work methods. The Unit's usefulness could be assessed on the basis of the implementation of its recommendations designed to strengthen the efficiency of the Organization. The report on the remuneration of international staff had thus resulted in immediate measures being taken by the United Nations Secretariat and Member States.

2. By contrast, paragraphs 46 to 50 of document A/46/34 showed that the comments on JIU reports which the executive heads of the participating organizations or the Administrative Committee on Coordination were required to prepare within three months were submitted five months late on average. The very nature of the recommendations perhaps discouraged comment. In document JIU/REP/91/2, for example, the four recommendations made by JIU were so general that it was difficult either to make any comment on them or to disagree with them. One of the recommendations even reproduced in part the preamble of a General Assembly resolution instead of proposing specific measures. Documents JIU/REP/91/3 and 4 recommended strengthening the efficiency of the Organization's activities, but in order to do so they above all proposed increasing salaries and staff resources, which was inconsistent with the recommendations of the Group of 18.

3. Overall, the 1991 JIU report was more succinct and specific and its recommendations were better supported. It took into account the guidelines contained in General Assembly resolution 45/237. He noted, however, that in order to strengthen the research and analytical capacity of its secretariat, JIU proposed, in paragraph 12 (a) of part one of its report, the addition of two posts and, in paragraph 12 (b), an increase in its travel budget. He believed that the Inspectors now had the full capacity required and that the staff of the JIU secretariat was sufficient to enable it to discharge its functions. With the terms of office of five Inspectors due to expire at the end of 1992, he hoped that the new Inspectors to be appointed would bring in new ideas, while also drawing from the accumulated experience of JIU.

4. Mr. MORCZYNSKI (Poland) said that the JIU report had highlighted encouraging new trends which responded to the concerns expressed by Member States during the debates in the Fifth Committee, as well as in other subsidiary organs of the General Assembly and the Economic and Social Council. Greater dialogue and cooperation between JIU and other subsidiary organs had been noted. Poland, however, believed that even more satisfactory results could be obtained if the Fifth Committee were to give more precise guidance. That was an approach which had produced good results in the past.

(Mr. Morczynski, Poland)

For example, in response to a Polish proposal that a study of the use of consultants should be conducted, JIU had promptly produced conclusions and recommendations which had led to the issuance of an administrative instruction on the use of consultants (ST/AI/321).

5. He noted with satisfaction that paragraph 25 (c) of part one of the JIU report, indicated that special attention would be given to requests by Member States that the Unit should follow the process of reform and renewal in the United Nations. JIU had thus responded in a particularly positive manner to the recommendation made in General Assembly resolution 45/327 A. Poland approved JIU's current development, which was transforming the Unit into a catalyst of change in the United Nations system.

6. Mr. DROUSHIOTIS (Cyprus) said that the Unit's chief task was to ensure that the activities of the participating organizations were carried out in the most economical manner, and that the available resources were put to optimum use in the conduct of such activities. His delegation always considered the annual reports of JIU, whose activities it believed were important, with great care. The 1991 report was of particular interest, as it provided much information on JIU's future work programme and on the follow-up to recommendations made in previous reports. The substantive information provided on the Unit's ongoing work promoted dialogue with the General Assembly, the governing bodies and the secretariats of the participating organizations. His delegation also shared the Inspectors' views on developing such dialogue in the area of the application of new technologies, and noted with satisfaction that JIU would place greater emphasis on evaluation reviews, particularly in the management, budgetary and administrative areas recommended by the General Assembly.

7. His delegation supported the various means envisaged by JIU of strengthening the quality of its management studies. In particular, it approved the proposals regarding JIU's evaluation role made in paragraph 26 of part two of the report.

AGENDA ITEM 115: PERSONNEL QUESTIONS (continued)

(a) COMPOSITION OF THE SECRETARIAT

(b) RESPECT FOR THE PRIVILEGES AND IMMUNITIES OF OFFICIALS OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

(c) OTHER PERSONNEL QUESTIONS (A/46/77 and 370; A/C.5/46/2, 4 and Add.1, A/C.5/46/7, 9, 13, 16 and 21)

8. The CHAIRMAN said that at its 14th meeting the Fifth Committee had agreed that it would hear a staff representative during its consideration of the item now before it. He therefore invited the President of the New York Staff Committee to address the Fifth Committee.

9. Mr. HEWSON (President, New York Staff Committee) said that, despite the increased role played by the Organization and the renewed prestige it enjoyed, its staff were beset at every level by a sense of malaise. As indicated in document A/C.5/46/21, that situation partly arose from the fact that the Organization lacked a genuine system of career development and the annual promotion reviews called for by the relevant provisions in the Staff Rules and Regulations. The absence of transparency in the vacancy management system, and its perpetuation when it had initially been presented as an interim solution, helped to increase that malaise. The lack of career prospects and opportunities for promotion had a particularly demoralizing effect on staff in the General Service and related categories. It was crucial that due recognition should be given to the role of all staff at all levels. Similarly, it was essential that the General Assembly's directives on improving the status of women in the Secretariat should be acted upon promptly. Justice also required that staff who were recruited internationally on a short-term basis but who served the Organization for long periods should, like staff holding fixed-term contracts, be considered for career appointments.

10. The development of human resources was another important aspect of personnel policy. To that end, there should be a system of training and skills-upgrading that met the needs of the Organization and the staff and enabled both to keep abreast of modern management practices.

11. Staff had the feeling that efforts were being made to reduce salaries and benefits without regard to objective criteria. It was therefore essential that the entire process of establishing conditions of service should be transparent. The staff representatives must be present at all stages in the formulation of recommendations to the General Assembly, and must be able to participate in the informal meetings of the Fifth Committee. It was inconceivable that, at a time when democratic changes were occurring virtually everywhere, the staff of the United Nations should be unable to discuss their conditions of service directly with their employer.

12. In recent years, United Nations staff had not been spared the upheavals that had occurred in various regions of the world, many of them being evacuated from one duty station to another and suffering the attendant hardships. Such incidents revealed shortcomings in the United Nations Security Manual, which should be reviewed in the light of such experience.

13. The staff representatives regretted that they must once again draw the attention of Member States to the plight of the many international civil servants being illegally detained by some Member States. They urged all parties to redouble their efforts to end violations of the privileges and immunities, and also of the fundamental human rights, of international civil servants. At the same time, all Member States must guarantee the independence of the international civil service by putting an end to such practices as restrictions on the travel of staff of certain nationalities, supplementary payments, and enforced deductions. With regard to the latter practice, if the

(Mr. Hewson)

Governments concerned failed to reimburse their nationals for payments exacted in the past, the situation should be resolved by means of the Tax Equalization Fund.

14. The question of "secondment" of staff was also of great importance for the independence of the international civil service. Specific comments on that topic could be found in document A/C.5/46/21. The staff representatives asked the Member States to consider those views, and wished to point out that there had been no staff-management consultations on the proposed amendments to staff regulation 4.1 and annex II to the Staff Regulations, which were referred to in document A/C.5/46/9. A tripartite agreement was a necessity in order to resolve a problem as important as that of seconded staff members.

15. The Secretariat staff wished to express their happiness at the changes for the better that had taken place under the stewardship of Mr. Pérez de Cuéllar, which had coincided with huge changes in the world community, and to thank him for the interest he had shown in their welfare.

16. Mr. AL-ADAWI (Qatar), referring to the question of the composition of the Secretariat, said that paragraph 3 of Article 101 of the Charter stressed the importance of recruiting the staff on as wide a geographical basis as possible. Certain countries were currently overrepresented, while others, such as the States members of the Gulf Cooperation Council, were not sufficiently represented or were not represented at all. Many in the latter category did not even assert their right to more equitable representation. In all, the States members of the Gulf Cooperation Council had 10 nationals on the staff of the Secretariat, while the average per State was between 7 and 22. For its part, Qatar had only one single post, at the P-2 level, and even that was not a permanent post. The disparities were thus considerable, particularly in view of the contributions made by the States members of the Gulf Cooperation Council to the budget of the Organization. He expressed the hope that measures would be taken to remedy that situation, although staff reductions were currently the order of the day.

17. Mr. WORONIECKI (Poland) said that the capacity of the United Nations to live up to the increased expectations and demands of its 166 Member States depended very much on the quality and devotion of its staff, starting from the very top, and on reforming the structure of the Secretariat, which should reflect the current and future priorities of the Organization. The structure should be simplified and, in particular, made less top-heavy, and new blood should be brought in by drawing on new sources of expertise.

18. Specifically, it was essential to review the Organization's personnel and recruitment policy in order to strike a proper balance between permanent contracts or career development and the fixed-term appointments often made in the case of staff on secondment from their Governments. The provisions of the Charter and general resolution 45/239 continued to be the main criteria which the Secretary-General should take as his basis in filling vacant posts and

(Mr. Woroniecki, Poland)

renewing contracts. In particular, paragraph 11 of the above-mentioned resolution stated that equal opportunity should be given to internal and external candidates and that vacancy announcements should be distributed to all Member States in timely fashion. For the most part, none of those conditions was respected: internal promotion was the main source of recruitment and many vacant posts were either not advertised at all, or were announced after a considerable delay and, frequently, when the new candidate had already been chosen. Moreover, in some cases, particularly in the case of posts at the Economic Commission for Europe held by Soviet citizens, the principle by which no post should be regarded as the exclusive preserve of a particular Member State was violated.

19. In section II of resolution 45/239, the General Assembly affirmed that secondment was not in conflict with Articles 100 and 101 of the Charter and could be beneficial to both the United Nations and Member States. Poland, which maintained the practice of secondment and had informed the Secretary-General in writing accordingly, was faced with de facto discrimination in that the Secretariat questioned, for no valid reason, the status of Polish citizens seconded by their Government who were assured of re-employment in their country on their return. Despite the provisions of paragraph 4 of section I of the same resolution, which recalled the need to increase the number of staff recruited from Member States below the mid-point of their desirable ranges - as was the case with Poland - the opposite situation was occurring: new Polish candidates were not being appointed, while candidates established by the former (Communist) regime had no difficulty in securing the renewal of their appointments.

20. That policy might create an undesirable precedent with regard to the appointment of staff from other Central and Eastern European countries in transition. It might also prevent the recruitment of candidates proposed by the new Governments, for either fixed-term or permanent appointments, and even of those selected through national competitive examinations, which would soon be held in Poland.

21. On the question of granting career appointments to staff after five or more years of continuing good service, it had been stressed that the Secretary-General should continue to consider all the interests of the Organization, including the quality of the staff and geographical distribution, as well as the need to ensure a turnover of personnel in the interests of the Organization's performance in its various fields of activity. That clearly meant that staff members on secondment and those on fixed-term appointments who had not been seconded could not expect the almost automatic extension of their appointments after five years of service, even if their service had been satisfactory, since other important criteria also had to be taken into consideration. That position was reaffirmed in paragraph 8 of the Secretary-General's report (A/C.5/46/9).

(Mr. Woroniecki, Poland)

22. The practice followed to date with regard to the secondment of staff should therefore be reviewed in order to avoid any misunderstanding in the future. Administrative Tribunal judgement No. 482, which was helpful in that regard, should not be used as grounds for questioning the secondment of staff already on board, since that would be contrary to the principle of the non-retroactivity of laws.

23. While it supported the procedures proposed in the annex to the Secretary-General's report (A/C.5/46/9), his delegation wished to reserve its position with regard to the observations by the Secretary-General on the replacement of staff members in particular posts by nationals of the same State. Even if that practice were to lose its raison d'être, it would be premature to abandon it for the present since that would allow all previously seconded staff members to invoke the decisions of the Administrative Tribunal in order to secure permanent appointments and would leave no chance for other staff proposed by the democratic Governments to be appointed to posts. It was clear that recourse to the normal recruitment and placement procedures, advocated in paragraph 7 of the report (A/C.5/46/9), to fill vacant posts would remain inaccessible to a number of States if all their seconded officials had their contracts renewed and if the internal promotion system was used to fill the vacant posts.

24. In order to enhance the Organization's capacity while exercising strict control over the available resources, it was of the utmost importance to strengthen and streamline the Secretariat in the context of the ongoing reform. The redeployment and turnover of staff was urgent and indispensable, since the interests of the Organization and its Member States must be placed above those of its staff. While it was important to take care in establishing the conditions of service in order to ensure good performance, Governments could not accept any pressure or allow rules to be imposed by the staff of the Organization which they themselves had established.

25. As a growing number of States evolved towards democracy, the risk of Governments violating the status and rights of international civil servants tended to diminish, fortunately. The Organization was now playing a leading role and it was more important than ever to define an appropriate personnel policy and to resolve personnel questions in accordance with the legitimate interests of the staff and of all concerned.

26. Mr. TANGOA (Central African Republic) paid a tribute to the Office of Human Resources Management, which was endeavouring to ensure the just and equitable representation of Member States among the staff of the Organization. His country was one of those which was underrepresented. His delegation believed that recruitment on the basis of national competitive examinations was the only solution to guarantee that staff were recruited on as wide a geographical basis as possible, in accordance with the principle set forth in Article 101 of the Charter. His delegation also believed that competitive examinations, which had so far been used to fill posts at the P-1 and P-2 levels, should be extended as soon as possible to P-3 posts.

(Mr. Tangoa, Central African Republic)

27. The recruitment of candidates should, however, be effected more rapidly following the announcement of their success in an examination. It sometimes happened that several months, or even years, elapsed before a candidate was offerd a post at the United Nations. In those circumstances, the competitive examinations seemed rather to be designed to establish a pool of staff for the future. In order to remedy the situation, it was important to ensure that the date of the examinations coincided more closely with the date on which posts became vacant. Lastly, if the examinations formula was to be developed, the Examinations and Tests Section should be given adequate financial resources.

28. Mr. SPAANS (Netherlands), speaking on behalf of the Twelve States members of the European Community, referred to the question of respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations.

29. The Twelve had examined the report of the Secretary-General (A/C.5/46/4 and Add.1) and welcomed the improvement in the situation of international civil servants in Central and Eastern Europe in recent years. However, they deplored the fact that there had been no significant decrease in the number of cases of detention of United Nations officials and that the situation in the Middle East was still a matter of particular concern. They were particularly concerned about the fate of Mr. Alec Collett, a staff member of UNRWA, who had been abducted in Lebanon in 1985 and of whose situation nothing was known. They strongly condemned such acts of terrorism and called upon those responsible to provide information about Mr. Collett.

30. The Twelve noted with grave concern that attacks on the privileges and immunities of officials had taken many varied forms, for instance through the adoption of legislation which did not respect the status of international civil servants. In that connection, they recalled Article 105 of the Charter, General Assembly resolution 76 (I) and the Convention on the Privileges and Immunities of the United Nations, as well as resolution 45/240, in which the General Assembly affirmed that persistent obstruction of the exercise of the duties of United Nations officials constituted an obstacle to the implementation of the mission entrusted by the member States to the organizations of the United Nations system and might affect programme delivery.

31. Access to detained officials was one of the problems facing the organizations. The Twelve urged the Governments of countries in which international civil servants were being held under arrest or in detention to allow the Secretary-General of the United Nations or the Executive Head of the organization concerned to exercise fully the right conferred on them under the relevant multilateral conventions and bilateral agreements, namely the right to protect officials in the exercise of their functions and, in particular, to enter into contact with the detained officials immediately.

32. The Twelve supported the sending of independent medical teams whenever necessary, in accordance with the principle that any person detained or imprisoned should have access to medical care and treatment.

(Mr. Spaans, Netherlands)

33. They renewed their appeal to the Governments concerned to put an end as soon as possible to the violations of the privileges and immunities of United Nations officials. They supported the constant efforts of the Secretary-General to ensure compliance with international agreements relating to those privileges and immunities and assured him of their full cooperation.

34. Mr. TOYAMA (Japan), speaking on the question of the composition of the Secretariat, deplored the fact that there had been no improvement with respect to posts subject to geographical distribution. According to document A/46/370, the number of unrepresented or underrepresented States had increased from 30 to 33, while the number of overrepresented States had risen from 19 to 23. For its part, his country was grossly underrepresented and the number of Japanese staff members in the Secretariat had even decreased since 1990. Accordingly, an action programme should be undertaken similar to the one introduced to increase the number of women in the Secretariat. The first step must be to establish clear targets and appropriate time-limits. His delegation proposed that specific measures should be adopted to improve the situation with respect to unrepresented and underrepresented Member States within five years. According to its calculations, that meant that the Secretariat should recruit 139 additional staff members who were nationals of the countries in question.

35. The second step would be to compile detailed statistics indicating the number of staff members from unrepresented and underrepresented States in each department and office, in order to provide the General Assembly with a precise basis for evaluating the situation and charting the progress made.

36. The third facet of the action programme would emphasize the holding of national recruitment examinations, which were the only systematic means of improving the situation with respect to geographical distribution. According to document A/46/370, the number of appointments resulting from such examinations had decreased from 69 to 29 in 1991, or 17.06 per cent of all appointments to posts subject to geographical distribution, as against 34 per cent in 1990. His delegation wondered what the reasons were for that regression, which could in no manner be explained by a shortage of vacant posts, since 19 candidates had been recruited at the P-1 and P-2 levels outside the context of national competitive examinations. On the other hand, his delegation was pleased that the P-3 competitive examination had been held in 1991 for the first time, and it welcomed the plan to increase the number of occupational groups for which the examination would be given in 1992 from two to five. His delegation also eagerly welcomed the proposal to strengthen the staff of the Examination and Tests Section, if possible through redeployment, in order to ensure the full implementation of recommendation 43 of the Group of 18.

37. His delegation wished to comment more specifically on the question of desirable ranges; since Japan was one of the most seriously underrepresented countries, his delegation hoped that its observations would be duly reflected

(Mr. Toyama, Japan)

in the decision which the General Assembly adopted on the subject. Currently, 56 Member States, or 35 per cent of the total, were not within their desirable ranges; those figures were exactly the same as in 1988, the year in which the current desirable ranges had been introduced. Accordingly, there had been absolutely no progress. In the view of his delegation, rather than consider modifying the desirable ranges - which had been adopted by consensus - it would be more appropriate to focus efforts on bringing all Member States within their desirable ranges.

38. The report of the Secretary-General (A/C.5/46/2) proposed 10 alternative options (options B-K) for desirable ranges besides the existing one. However, none would significantly improve the situation. Moreover, his delegation saw no valid reason for changing the relative weight of the three factors used to determine the ranges.

39. If, however, the intention was to modify the method for calculating the ranges, such a change should be gradual, in order to avoid excessive variations. For that reason, option J should be ruled out, for if it were applied, Member States currently at or below the midpoint of their desirable range would suddenly become overrepresented. In any event, desirable ranges were merely a tool. Rather than getting bogged down with the question of methodology, the Committee should focus its efforts on ways to strengthen the recruitment policy of the Secretariat in order to achieve the objective of equitable geographical distribution. Whatever methodology was adopted for calculating the ranges, it should remain in effect for a sufficiently long period, at least until all Member States had been brought up to the lower limit of their desirable ranges.

40. It was necessary to implement a genuine training policy throughout the Organization, so that staff members had access to training and retraining opportunities no matter where they were stationed. A pilot project involving the four regional commissions had been launched in 1990. His delegation welcomed that initiative as well as the opportunity which had been offered to staff in the Economic Commission for Africa to participate in a computer training programme. His delegation hoped that, on the basis of the pilot project results, a comprehensive training plan, which should be financed from the regular budget, would be established. It was also essential to elaborate a system-wide career development plan.

41. With regard to the representation of women in the Secretariat, his delegation requested the Secretariat to give priority to women from underrepresented or unrepresented countries in the case of posts subject to geographical distribution; furthermore, other committees which dealt with the question of the status of women in the Secretariat should coordinate their efforts with those of the Fifth Committee.

42. Lastly, on the question of the use of civilian personnel in peace-keeping operations, the Assistant Secretary-General for Human Resources Management had

(Mr. Toyama, Japan)

indicated that the Organization would be unable to supply all the staff required for the United Nations Advance Mission in Cambodia. Accordingly, his delegation believed that the Secretary-General should develop guidelines for the training and use of civilian personnel in peace-keeping operations and should establish standard administrative procedures to govern the provision of such personnel by Governments, in accordance with paragraphs 11 and 12 of General Assembly resolution 45/258. His delegation would like to receive detailed information on civilian personnel requirements for the United Nations Advance Mission in Cambodia.

The meeting rose at 11.50 a.m.